



1051

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Kevin J. Thorne  
James J. Benedict

Attorney Docket: SBI-073

S/N: 09/746,921

Filed: 12/22/00

For: Synthetic Alternatives to  
Demineralized Bone Matrix  
Additives

Group 1651

Examiner: Harry J. Guttman

RECEIVED

FEB 06 2002

TECH CENTER 1600/2900

Assistant Commissioner for Patents  
Washington, D.C. 20231

**ELECTION AND RESPONSE TO OFFICE  
ACTION DATED NOVEMBER 01, 2001**

This paper is filed in response to the Office Action mailed November 01, 2001 and having a one month shortened statutory response period. A one month extension of time is enclosed, extending the date of response to January 01, 2002. If any additional fees are due, please charge Sulzer Medica Deposit Account No. 09-0473.

**REMARKS**

In the Office Action, the Examiner has issued an election requirement under 35 U.S.C. § 121 between claims 1-10, drawn to a bone growth composition; claims 11-14, drawn to a process for making a bone growth composition, and claims 15-23, drawn to a process for inducing bone formation. According to the Examiner, the species are patentably distinct. Office Action at page 2 line 10.

Applicants hereby elect the species of a bone growth composition, claims 1-10 (Group I).

RECEIVED

FEB 06 2002

Respectfully submitted,

TECH CENTER 1600/2900

12/20/01  
Date

Timothy L. Scott  
Timothy L. Scott

Attorney for Assignee

Reg. No.: 37,931

SULZER MEDICA USA

3 East Greenway Plaza, Suite 1600

Houston, Texas 77046

Phone: 713 561-6374

Fax: 713 561-6380

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:  
Commissioner of Patents and Trademarks  
Washington, DC 20231 on

December 20, 2001

(Date)

**Amy Lewis**

(Name of person making deposit)

[Signature]  
(Signature)